IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5589 OF 2005

D.G.Q.A.Complex Employees Sangh ...Petitioner
Vs.
Union of India & Ors. ...Respondents

Mr. Sandeep Marne Adv. for Petitioner
Mr. Girish Kulkarni i/b. Mr./ M.S. Karnik & Mr. D.A. Dubey Advts. for Respondents 1 & 2

CORAM: F.I.REBELLO & ROSHAN DALVI, JJ.
DATED: 18TH NOVEMBER, 2005

P.C.

1. The Petitioner approached this Court on the ground that out of the 7 establishments involved, in 6 establishments elections have not been held. It is the case of the Petitioner that they are registered on 10th December 2004 and as such they could have participated in election process as Unions which have registered before 31st December 2004 could participate in election process. There is notification dated 17th June 2005 in the matter of verification of membership of Unions. Clause 6 thereto provides "that no election will be held in Army Units/Estts.where Unions activities are not allowed under SRO-17E".

2. In answer to the Petition, Respondents have filed reply and in paragraph 14 they have set out that in the 7 Establishments in Mumbai there are 320 employees and as per the rules JCM functions only in

SQAE (GS) which has 111 eligible members of Group 'C' and 'D' employees. Elections have been held there. It is further set out that there is no Trade Union activities in the other 6 Establishments as the Heads of these Establishments have not been informed of the Trade Union Activity by the Petitioner Union. It is further pointed out that no Trade Union activities exists in these 6 Establishments. There are no specific averments that in the other 6 Establishments Union activities are barred.

3. However Petitioners are not able to point out as to what was the membership in the 6 other Establishments. The elections have already been held. In these circumstances it will not be possible to exercise the extra ordinary jurisdiction of this Court. Hence, Petition dismissed.

(F.I.REBELLO J.)

(ROSHAN DALVI, J.)